

Our Ref DOIA 24-074

19 October 2023

Craig Innes

[fyi-request-23845-d75b689c@requests.fyi.org.nz](mailto:fyi-request-23845-d75b689c@requests.fyi.org.nz)

**Wellington Office**

Radio New Zealand House

155 The Terrace

PO Box 5501

Wellington 6145

New Zealand

T 0800 665 463

F +64 4 472 2244

E [customersupport@linz.govt.nz](mailto:customersupport@linz.govt.nz)

W [www.linz.govt.nz](http://www.linz.govt.nz)

Tēnā koe Craig,

### **Response to your official information request**

I refer to your email of 19 September 2023. This letter is a final response to the following queries and comments:

1. *"The Marine and Coastal Area (Takutai Moana) Act 2011 requires a Customary Marine Title order, issued by the Court, to include a Survey Plan. "*

*QUESTION. Please explain this comment. I am not a lawyer, but my reading is that a survey plan is required for both orders of the Court and of orders through direct engagement and of orders of the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019. Is my interpretation incorrect?"*

2. *"To date only one Recognition Order, in 2018, has been supported by a [Survey Plan](#)*

*QUESTION. What is the status of the orders that are not supported by a survey plan?"*

According to [section 94 of the Marine and Coastal Area \(Takutai Moana\) Act 2011](#), a protected customary right or a customary marine title can both be recognised by a recognition agreement or a recognition order of the Court. This Act sets out the separate processes by which an agreement or an order can be applied for and brought into effect. [Section 109\(4\)\(a\)](#) of this Act requires customary marine title orders to include a survey plan. The requirements for recognition agreements are set out in [Subpart 1 of Part 4](#) of the Act.

We suggest that you obtain your own legal advice if you require assistance to understand the Marine and Coastal Area (Takutai Moana) Act 2011 and the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.

3. *"I wish to see the communications between the Surveyor General and any other party that addresses the issue of the orders that were not supported by survey."*

The information you requested above is not held by Toitū Te Whenua Land Information New Zealand and we have no reason to believe that it is held by another agency. Therefore we are refusing your request under 18(g) of the Official Information Act.

4. *"I see from the attached document that the cadastral boundaries of Specified Freehold Land were being adjusted to better reflect the survey SO 10461. Please provide a copy of the GIS of these areas prior and after adjustment."*

A copy of GIS data for the week prior to the adjustment is attached. However, your request for GIS data after this period has been refused under section 18(d) as the information requested is publicly available. GIS data for the area after the adjustment is available as current data from the [LINZ Data Service](#).

5. *"The general subject of dispensation will be the subject of a separate OIA request."*

Noted.

6. *"Please clarify the position of the orders that currently do not survey plans. [sic] If there has been any discussion about retrospective dispensation or any blanket dispensation such as that which occurred during the Maori Freehold Land Registration Project (LINZS10000), please indicate this."*

Please refer to our response to questions 1. and 2. in respect to your first sentence above. In respect of your second sentence above, we are refusing your request under 18(e) of the Official Information Act, as the information you requested above is not held by Toitū Te Whenua Land Information New Zealand and we have no reason to believe that it is held by another agency.

If you wish to discuss this decision with us, please feel free to contact [ministerialsupport@linz.govt.nz](mailto:ministerialsupport@linz.govt.nz).

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Please note, this response letter outlining our decision on your request, **with your personal details withheld**, and any attached documentation will be published on the Toitū Te Whenua Land Information New Zealand's website. This is likely to be published by 30 November 2023

Nāku noa, nā



Anselm Haanen  
Surveyor-General / Kairūri Matua